

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 00-6026 CIV-Ferguson
Magistrate Judge Snow

WORLDNET COMPANIES, INC.
a Florida corporation

Plaintiff

v.

KLELINE, a Limited Company,
a corporation incorporated under the law of
France, ABDALLAH HITTI, individually;
AYHUB HITTI, INDIVIDUALLY;
BANQUE PARIBAS S.A., a banking corporation
incorporated under the laws of France;
OCRAM EST., a Liechtenstein corporation; and
MICHAEL BENDE, individually

Defendants

**DEFENDANT, OCRAM'S RESPONSE TO MOTION TO VACATE
ORDER OF DISMISSAL AND CLOSURE AND FOR RECONSIDERATION
OF CASE AND MEMORANDUM OF LAW
and DEFENDANT, OCRAM'S INCORPORATED MEMORANDUM OF LAW**

Defendant OCRAM EST., ("OCRAM"), by and through the undersigned counsel does hereby respond to Plaintiff's Motion to Vacate Order of Dismissal and Closure and for Reconsideration of Case and Memorandum of Law and OCRAM's incorporated Memorandum of Law and as grounds therefore states the following:

1. On June 30, 2000, this Honorable Court entered an Order effectively dismissing the above-styled matter in full and affirmatively indicated on the face of that Order "Closed Civil Case". See attached **Exhibit "A"**.

WP
SP

2. As of the date of the filing of this Response and yet again pursuant to this Honorable Court's Order, Plaintiff never filed an Amended Complaint in this regard. As of the date of filing of this Response, it has been nearly nine (9) months since this action was instituted by Plaintiff.

3. A Clerk's Default as against OCRAM and this Honorable Court indicated that it would likely vacate same although no Order was ever issued in that regard.

4. In contravention to Plaintiff's Paragraph 9 of its Motion to Vacate Order of Dismissal and Closure and for Reconsideration of Case and Memorandum of Law, OCRAM never received Trial Orders in this closed civil cause.

5. Plaintiff filed its Motion to Vacate Order of Dismissal and Closure and for Reconsideration of Case and Memorandum of Law approximately five (5) weeks after this Honorable Court's Order closing this Civil Case and Plaintiff's Motion in that regard is not timely.

6. Plaintiff, by the face of this Motion, asked to vacate the Order of Dismissal but, pursuant to its Paragraph 10, ... ask(s) this Court to modify the Order of 30 June to grant dismissal.

7. *In addition, when Court dismisses Complaint for lack of jurisdiction, entire Complaint fails and a class is not separately entitled to relief. Fed.R.Civ.P. 23, 28 U.S.C.A.; Washington v. Garmire, 317 F.Supp. 1384.*

8. In this case, the Court not only dismissed Plaintiff's Complaint but also dismissed the action and closed the civil case as a whole. See **Exhibit "A"**.

9. OCRAM further respectfully adopts and incorporates by reference those segments set forth in Defendant KLELINE's Memorandum in Opposition to Plaintiff's Motion to Vacate Order as also adopted by Defendant PARIBAS.

WHEREFORE, Defendant, OCRAM, respectfully requests this Honorable Court deny Plaintiff's Motion to Vacate Order of Dismissal and Closure and for Reconsideration of Case and require Plaintiff to re-file the action, if at all, to proceed in this Court and for such other and further relief as this Court deems just and proper.

I HEREBY CERTIFY that a copy of the foregoing was furnished to Charles Cohen, Esq. and Leslie Scott Osborne, Furr and Cohen, P.A., Attorneys for BENDE, 1499 West Palmetto Park Road, Suite 412, Boca Raton, Florida; to John C. Rayson, Esq., Attorney for PLAINTIFF, 2400 East Oakland Park Boulevard, Fort Lauderdale, Florida 33306; William D. McEachern, Esq., Winthrop, Stimson, Putman & Roberts, Attorneys for KLELINE, 125 Worth Avenue, Suite 310, Palm Beach, Florida 33480; Gina Anne Dombosch, Esq., Valerie Greenberg, Itkoff, Esq., and Edward Soto, Esq., Weil Glottal & Mangos, Attorneys for BANQUE PARIBAS, S.A. 701 Brickell Avenue, Suite 2100, Miami, Florida, this 30 day of August, 2000

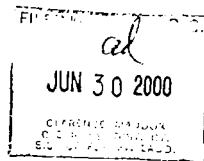
LAVALLE, BROWN, RONAN & SOFF, P.A.

Attorneys for OCRAM
750 South Dixie Highway
Boca Raton, Florida 33432
(561) 394-9280 (Boca Raton)
(800) 795-0995


JEFF M. BROWN, ESQUIRE
FLORIDA BAR NO.: 197912

**CLOSED
CIVIL
CASE**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**



WORLDNET COMPANIES, INC., a Florida
corporation,

Case No. 00-6026-CIV-FERGUSON

Plaintiff,

vs.

KLELINE, a Limited Company, a corporation
incorporated under the laws of France;
ABDALLAH HITTI, individually; BANQUE
PARIBAS, S.A., a banking corporation
incorporated under the laws of France;
OCRAM EST., a Liechtenstein corporation;
and MICHAEL BENDE, individually,

Defendants.

ORDER

THIS CAUSE is before the Court on Defendant Bende's Motion to Dismiss [D.E. 16].

Having duly considered the motion, response and pertinent portions of the record, it is

ORDERED AND ADJUDGED that the motion [D.E. 16] is **GRANTED**.

Specific allegation on face of complaint and there being no amended complaint filed defeats
diversity jurisdiction.

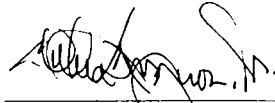
EXHIBIT 

Page 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

DONE AND ORDERED in Chambers at Ft. Lauderdale, Florida, this 30th day of June,

2000.

A handwritten signature in black ink, appearing to read 'Wilkie D. Ferguson, Jr.', is written over a horizontal line.

WILKIE D. FERGUSON, JR.
UNITED STATES DISTRICT JUDGE

copies provided:

John C. Rayson, Esq.

Les S. Osborne, Esq.

William D. McEachern, Esq.

Gina Ann Dombosch, Esq.

Lawrence K. Fagan, Esq.